

H
OVER THE
FUNERALL
OF
SYMONIE,
IMPROPRIATIONS,
AND
TITHES,

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Or, A
Hurricane or Whirlwind
AMONG
TITHES, SYMONIE, and
IMPROPRIATIONS.

To all the
Published by many Welwillers to Christianity
and Learning, (and competent maintenance
for the true Labourers therein) and just Right
and Equitie.

Written by *W. Leach* of the Temple.

LONDON,
Printed for *Francis Leach*, 1653.



The Publishers Epistle,

To allsaithfull in CHRIST, whom it
doth or may concern.

Finding a Pamphlet scattered abroad, called a *Treatise of Tithes*, mentioned to be written by a *Well-wisher to Religion and Propriety*, (his Name being not therein mentioned) and the same touching upon some things mentioned in a former small *Treatise or Tract of Tithes* published by friends of ours, together with the Supply to a Draught of a great Act or Systeme concerning the Regulation of the Law, We have thought it convenient to put all (whom it concerneth) further in mind what is the just right concerning this Subject (the greatest Numbers of them and us having nothing out of which Tithes have been used to be paid) not doubting but to make it appear to all unbiassed Persons, wherein those (who writ, or caused to be written, that *Treatise* after theirs) fail in *Well-wishing to Religion or Propriety*: Upon which Reason (in nature of a Reply to his) as we shall now shew for that purpose, We Will tender an Issue (conceiving that the Gentleman, who drew the same, shewed as much as in such Case can be to cause a bad matter to seem good) to which he may Joyn if he please; which if he shall not, but Rejoyn by alleging new matter; if he hath any considerable (which we think he hath not) so soon as we shall hear thereof, We shall very speedily Surrejoyn to the same, hoping that the most Honourable Legislators of this Nation will do equall right in the premisses.

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The Funeral of Symonie, Im-
propriations, and Tithes, &c.

THe Gentleman is much mistaken in the Treatise he writeth of concerning the Duty of Tithes; for there is not any of the best of the Learned Histories written concerning Tithes but question the duty thereof, to such as of late years have taken and exacted the same; and he is as much mistaken in the submittance to the payment of them, for if he had pleased to have taken notice what they our friends had written concerning the same in their Treatise thereof, (to which we refer the Reader) and answered them in order, and not snatched at some things, and leapt over others (which doe clearly manifest the most part of his Treatise to be untrue, and merely feigned) he should have found there *Page 23, 24, 26, 34.* what dispute hath been about the payment thereof; and how the same have been extorted injuriously, and some of the People blindly lead into, and besotted in the Duty of Payment thereof; and how the same (*Page the 27, 28, 31, 34.*) have been mispent and turned unto wrong and wicked Uses, instead of Pious maintenance of the Ministry and the Poor (for which Uses those which have paid the same were first induced thereunto.) But after, as they have shewn in their Treatise (*Page 27, 28, 31, 34.*) the same hath been mispent. And (*Page 26*) the Takers and Receivers thereof forfeited the same in misemploying thereof instead of maintenance of the Ministry & Relieving the Poor in their Mansions; in Feasting and Forstring the Lazy and Lascivious in their Houses, till some of them have been totally spued out of the same; For the Receivers of Tithes were never any other than *Officers or Stewards* of the same for their employment to good Uses, Whole *Officers* may be forfeited for *mis-employ-*

* And if it shall please God to put into the Minds of our honest, conscientious, and understanding Country Jury-men, both Grand and others, to take notice of such *Mis-user, Dis-user, and Non-user*, and so to advise and take good and solid advise thereof; that if any of them proved by any person (who shall be sued for Tith) they shall come truly to understand & conceive the same a forfeiture as aforesaid, which we think they may very well do, the Genl. having not at all spake to, or mentioned the *Mis-using, Non-using, or Dis-using* in those our Friends Treatise expressed; but tacitly admitted the same as therein is set forth; and all others hitherto have been silent therein (general silence to Matters of great Concernment being accounted consent thereunto) Then what will become of the *Impropriators* Tithes? may they not bid farewell to the same, & sit down quiet without them, when *Verdicts* shall be given against the same, & none to be attained for it?

And therefore we wonder that the writer of this last Treatise should affirm that *Appropriators* (or as we conceive he meaneth *Impropriators*) should have as good right to Tithes as any Purchaser to his Purchased Freehold. And besides Forfeitures may happen of Freehold, Purchased Lands by *Biennial* Cessation of payment of Chief Rent, and no distresse found on those Lands: and as for the Cessation of the Competent maintenance of the Ministry and Relief of the Poor by most of the Tith-takers for many years last past is too apparent over all this Nation; (There formerly having been several Endships belonging to great Parishes, the Tithes of most of which (being of much greater yearly *value* than of all the other Parishes in this Nation) have been *Appropriated*, and Priests to serve the Cure in most of those Endships: But the *Impropriators* have banished away and left to starve all Ministers Vicars and others (whom they ought to maintain to serve such Cures) by means wherof the People in such great Parishes have for the most part been ignorant in Religion, but only some of them, who have repaired to small Parishes to hear Sermons, where most commonly best Preachers and Preaching have been.

And

And yet this Gentleman is so incharitable as to allege this age to be ignorant and avaricious; and the People Clamorous, Malicious, and Mercilesse; for which we can imagin he neither hath nor can have any other cause, than that (to the grief of the *Impropriators*) this Age hath discovered the Dorage of former Ages in holding Tithes of Conscience to be Due; which every one may well inform himself to be quite contrary (if Dulnesse and Sortishnesse will be informed, & willulnesse abate) And besides there is not such danger of perishing of men, women, children, Widdows, or Orphans as he pretendeth; for there be but very few Tith-takers but have some maintenance besides Tithes: And if any be, it is like the occasion thereof hath been by mispending Tithes in such manner as is mentioned in our Treatise Page 28, 31, 34. And if any such there be (of whom there is like to be very few) fallen into such decay as he pretendeth (by some inevitable accident) there is none so uncharitable (we conceive) but will think fitting that some comfortable maintenance should be afforded them*. But for Tithes to be taken & employed as in their Treatise (Page 27, 28, 29.) is expressed, and the Poor in every Parish where such usage hath been not at all relieved by them, nor the Ministers afforded Competent or comfortable allowance for which Tithes originally were, and now are in Equity (and in Law as we conceive) only due for the reasons shewed in their Treatise (Page 23, 24, 26, 34.) but for ought hath been had of such Tith-takers the Poor might have starved, and the People run into *Heathenism* for want of Preaching and Teaching of true doctrine, as they have at large expressed in their said Treatise (Page 27, 28, 31.) And the Gentleman at first seemeth to decline Antiquity, further than the Lawes of this Nation do make mention of Tithes, and to prove them payable by Custom (but if such Custom be not good (as they have prov'd in their Treatise (Page 32, 33.) the Custome of Tithes is found to be) the same is to be abolished. And for claim of them by Divine right (the Gentleman having totally disclaimed) he might have forbore mentioning the tax by those our friends of any for idolizing the same, for no man is so mad to say that any do pay them to *Impropriators* (as due by Divine Right) but as they have said in their Treatise (Page

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27, 28.) at large; Tithes have come to *Impropriators* as *Thief-stollen Goods* for little, and now the True Owners have found out where their goods be, the unconscionable avaritious Tith-takers would still detain them from their True Owners; and as concerning the Catalogue of Statutes which the Gentleman citeth, all of them before the Reign of K. H. the 8. are no more for *Tithes* than other superstitious Things abolished; and the Others since being made by Parliament (who have been accounted to do well according to their informations and Judgements) no man can imagine any other but that Tithes would have been employed as at first intended, but now the same being discovered since to be misemployed, may not the People lawfully Petition (and not be barred as that writer would have it) for repealing and abolishing the same Acts or Ordinances, and the Legislators justly do it, and leave Tithes to the true Owners for maintenance of them and their Families in their Soules health and relief of the Poor?

And though the Gentleman, as before, declined Antiquity, yet after he flieth up to *Dioclesian*, and *Julian the Apostata*, shewing the intention of the First to murder the Preachers and Professors of the Word of God, and the Other for robbing the Spirituall persons, and laying violent hands upon the Revenue of the Church: The like danger that followed *Julian*, the *Impropriators* have most cause to beware of; for have not they trod in the Paths of those *Tyrants*, and endeavoured as much as they could to starve the Poor of the *Christians* in these days, and their *Vicars*, or *Ministers*, in detaining that, which is due to them for their sustenance, and mispending the same, as before we herein, and our said friends in their Treatise have mentioned? And are not therefore such Stewards fit to be turned out of Office?

And for the Antient Compositions for allowance of Vicars (being when all manner of provisions of Victualls and Cloathing were Cheaper at lesse by 11 -- parts into 12 -- to be divided, than in these times) that, with the Maintenance of the Appropriators or Stewards in collecting them, and Comfortable Relief of the Poor, might come something neer the value of such Tithes. And we beleeve, that if our Ancestors had imagined how Tithes would have been mispent, they would not have consented

sented to such Acts as have been made concerning the same: and that if they had or could have been thoroughly informed of their abuse, as now they may be, no judicious man can conceive any other, but that those Acts, or Statutes had been repealed long since.

And as for the Continuance of time, how long, and in what manner, and by whom, and by what means Tithes have been paid, they have at Large shewed in their Treatise (Page 23, 34.) therefore no need is for us to say any more concerning that.

And for the Injustice pretended to be done to *Patrons* in abolishing of Tithes, what prejudice can they receive thereby? for in Right and Equity they never ought to reap any profit thereby to their own uses, but only as they were bound to as a duty to procure one to take the Care of Souls, and he to take all the benefit of Tith to his own use, which was a Trouble and Charge unto the *Patrons*, and therefore they can have no Injustice done them in taking Tithes from them, and disposing of them to the right uses, to avoid the Temptation of the Cursed and abominable sinne of *Symonia* frequently incident to such *Patrons*, as they have shewed (Page 34.) in their Treatise.

And as for the Benefit of the *Landlords* of Lands if they be eased of Tith, how little that will be they have at large shewed in their Treatise, (Page 30, 33.)

And as for all the Answers to the Objections stated by the Gent. how slender those are plainly appeareth in their said Treatise. (Page 25, 26, 33, 34.)

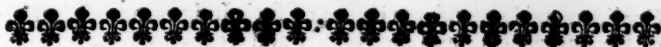
And as to the Easiness of the Labour of Ministers in Collection of Tithes, as the Gent. pretendeth, we say, that to those, who should and ought to be carefull in their *Cures*, it would be much hindrance: And for the speedy and facility of the obtaining of a Stipend or Salary proposed for their Cure, they have at large expressed in their Treatise (Page 32, 36.) But as for such as have neglected their Cures, and feasted and caroused, as in their Treatise, and we further now have expressed, or that have been excessive covetous, or ambitious to climb to a Bishoprick, we imagin will not be contented with any reasonable Salary, Stipend, or Pension, but covet still to keep drunken and vicious People about them: And divers (according to the Common use of many of such) who have gotten into fat *Benefices* employ'd their minds and Studies to circumvent their *Parishi-*

rishioners, and to beguile them of more than the Tenth of their Corn, in beginning to take their Tale from some of the worst or least of the Cocks, Sheaves, Stacks, Shocks or heaps thereof, and in going on an end with a Number from the least, or worst, to the biggest, or best; and many times thereby (when the Husbandman hath not been very carefull) such Priests have instead of the Tenth, booked into their Clutches the Sixth or Fifth part of the poor mans Corn; and many of such Priests have so little regarded their Cure, that they have busied themselves all the time of Harvest about their Tithes; and some of them (being Doctors, and such like) have been found upon Carts loading them, and have caused their Servants to cover them with Corn or Straw, when any Persons of Quality have been coming in, or near their View: And others of them pitching or heaving Tith into Carts: And some of them have gotten to be Justices of the Peace, and other great Places, and thereby have domineered and tyrannized over their Neighbours: And others of them have principally been conversant about troublesome suits, and vexed honest men, as in their Treatise (Page 33, 34.) they have at Large expressed.

And for the losse which the Gent. pretendeth to the present Incumbent Minister, there can be none at all, in generality to such as be good, but better allowance will be afforded; and for our parts we desire that competent allowance may be to such, (as those our friends have expressed in their Treatise (Page 33, 36.) and the Ministry not left to voluntary Collections, for then Many would pay nothing at all in that behalf.

Therefore we desire all men (who Please to read the Gentlemans Treatise, and this our Reply, and that Treatise of those our Friends) to consider and judge, whether or not the Clients of this Gentleman (who imployed him about this Businessse) be not most fit to be stiled Ignorant, Malicious, Clamorous, Impious, Mercilesse, Hypocrites, and come neereest to such as the Murderers of the Professors and Ministers of God, and the despoyling them of their Dues; of all which premisses we put our selves upon the Country, and the grave Judgment and Consideration of our Supreme Legislators; praying unto the Lord of Hosts for, and hoping in him of his Guidance of them, in the way of all Godlinesse, and to do equall and speedy right in the premisses, according to his Good will and pleasure.

The End.



A
Safeguard and a Stay
FOR
Sheriffs, and their Officers, &c.

*I. For avoiding Deceit, by fraudulent conveyances,
to hinder Executions, &c.*



Whereas in latter years, more then in Ancient times, many unconscionable people have used and exercised very much fraud; and by divers crafty machinations, and subtil inventions have defrauded many honest people of this Nation of their just and due Debts, Damages, and Demands; and especially after such honest people have obtained Judgments, Statutes, or Recognizances for the same, in defrauding and deluding them of, and hindring them from, the benefit and advantage of their Executions taken out upon the same; some by contriving of secret and fraudulent conveyances of their Goods and Chattalls, Lands and Tenements, with valuable consideration feined in such conveyances; but never truly and really paid, or by feining themselves to stand indebted to severall persons by Bonds, or otherwise; which have been all, or the most part thereof satisfied, and paid, or other security given for the same; and others, by borrowing and taking Money of divers people, and giving Bond, or other security for the same; such money being paid and delivered to such unconscionable people, and such bonds and securities executed to others, as bad as themselves, in the presence of divers honest persons, but after repaid or delivered in private to the parties from whom the same hath been had, and releases thereof given in the presents of divers witnesses, residing or inhabiting in places far remote from the

Creditors and Demandants in, or to such Judgements, Statutes, or Recognizances; and such bonds and securities kept on foot by and between such wicked and unconscionable persons, by fraud and practice between them, onely to deceive and defraud such Creditors and Demandants: and many more of such deceitfull and unconscionable persons have internixed the Goods and Chattals of divers of their Associates and Confederates, with others of their Goods and Chattals in such manner, that none other but they, and such other Associates and Confederates could, or can know, or distinguish any such Goods, Cattell, or Chattals of such unconscionable person, or persons, from the other Goods, Chattals, and Cattell of such Associates and Confederates; purposely to deter Sheriffes, Serjeants, and Bayliffes, and such like Officers from serving and executing such Executions, or otherwise to subject them to actions; (which most injuriously have been brought against many of such Officers, by multitude of such unconscionable people, and excessive damages recovered upon the same against such Officers of the inferiour sort;) and the like fraud hath been done and practised of, and concerning the Lands and Tenements of such wicked persons to, and for the fraudulent intents and purposes beforementioned: by reason whereof, many of such Creditors and Demandants have been constrained to part with a great part of such their Debts and Demands before they could have their Executions served, and some of them to the value of half thereof, and others to more, to such Officers; some whereof have sneaked away from those, who have used to give them best satisfaction for the businesse, which they have formerly done for them before they would, and have undergone such danger, and relinquished the money which they have gained by doing such Execution; and divers others of such Sheriffs, and their Deputies, (who have been of a cruel, covetous, and unconscionable disposition) when they have had executions against honest meaning men according to their abilities have most cruelly exacted great sums of money out of them, either for sparing such Execution for a time, or for apprising such Goods and Chattals at the full rate, or otherwise have caused the same to be prised at a great under value, sometimes to have half thereof, and other times to much lesse, and to be bought by such their Associates and Confederates

federates at such small rates, with whom such Sheriffs and their Officers have shared, and divided the spoil, and converted it to their own uses.

It is proposed to be desired that it may

Be Enacted, That hereafter it shall, and may be lawful to, and for any person or persons (who shall have any execution or extent upon any Judgment, Recognizance, or Statute, under the Seal of the Court, where such Judgement, Recognizance, or Statute, be, or shall be entred, or Recorded, against the Goods and Chattals of any other person or persons) or any other, for, or with him, her, or them together, being above the value in Estate of the matter so, or so to be in question, to repair unto such other person or persons, or any other, (who shall have, or be Commonly reputed to have any Goods or Chattals, which at the time of the Date of such Execution or Extent were of any person or persons, against whom such Execution or Extent was granted or awarded;) and to enter into, and upon any house, or houses, place, or places; where such Goods or Chattals be, or commonly shall be supposed to be, and there to view, demand and require so many of the said Goods and Chattals, as shall be of sufficient value to satisfy the Debt or Demand in such Execution or Extent mentioned, or part thereof in satisfaction of such Debt or Demand, or so much thereof in part, as the value of such Goods or Chattals do, or shall amount unto; and to take and carry away the same upon reasonable appraisement of the major part of 3 sufficient men to be for the one part, and two more for the other (against whom such Executions or Extent shall be) if any such doe, or shall intermeddle therein, or otherwise without them, and to sell the same accordingly, and out of the same to satisfy him, her, or them, in that behalf (restoring the overplus to him, her, or them, (against whom such Execution or Extent shall be) if no claim, deniall, interruption or hindrance be, or shall be to, or against such entry, view, demand, request, taking, and carrying away, and sale; he, she, or they, intending to sell, or cause the same to be sold, keeping the same safe by the space of ten dayes, next after the same be, or shall be so taken, and carried away, and leaving a note of the same at the house, or houses, place, or places, (from whence the same be, or shall be carried) and that

if such owner, or owners doe, or shall pay or satisfie to such person or persons (who have, or shall have such Execution or Extent) do or shall pay, or satisfie such Debt or Demand within those ten dayes, then such Goods and Chattels shall be delivered safe to such owner or owners without any voluntary imparing of the same; and that during the time of the remaining of the said Goods and Chattels there; the said Writ of Execution shall there remain, and be kept for the said owner or owners, or any person or persons for him, or them, to see, or view; and he or they, or any of them shall, and may be permitted and suffered so to doe.

And that if any such claim, deniall, interruption, or hindrance be, or shall be, and be, or shall be false, unlawfull or untrue; then he, she, or they, acting the same, shall forfeit and loose to the party grieved, or to be grieved in that behalf, the full value of the Debt or Demand in such writ of Execution or Extent, to be recovered by action of Debt, Bill, Plaint, or Information in which, &c. And that after such claim, deniall, interruption, or hindrance, if any be, or shall happen to be, then it shall, and may be lawfull to, and for any Sheriff, Under-sheriff, Deputy, Bayliff, Serjeant at Mace, or other Officer, or any other, who shall have a lawfull and sufficient warrant in that behalf delivered unto him, or them, to doe, or make such Entry, View, Demand, or request in any of such houses or places before mentioned; and so to take and carry away such Goods or Chattels, and so to sell the same, and out of the same to make, and give such satisfaction to such person or persons (who have, or shall have such Execution or Extent) making such restitution; and that if such claime or deniall be, or shall be to any of such Officers, or others, so having, or to have such Writ, or Warrant; then it shall, and may be lawfull to, and for such Sheriff and Sheriffs, his, or their Deputy or Deputies; and that he, or they, shall be authorised and compelled to impanel a Jury for the tryal of the property of such Goods and Chattels, in such manner and form as is mentioned in the Propositions for returning and inpannelling of impartiall and honest Jurors; and that if such Jury, upon their inquest thereupon to be found, doe, or shall find the property of such Goods or Chattels to be of such party or parties (against whom such Execution or Extent be, or shall be) the

the time of the Date thereof) then such Sheriff or Sheriffs shall, and may sell the same at, and for the best rate (which he, or they can) according as such Jurors upon their Inquest concerning the same shall apprise them, and deliver the money thereof made, or to be made to the same person or persons; who shall have such Execution or Extent: or otherwise to be subject and liable to an action of Debt for the same to such person, or persons, to be recovered as aforesaid: and that such Jurors, for finding any thing amiss in that behalf, shall be subject to such penalties, as be mentioned in those Propositions; and that such choise, election, challenge and exceptions, and other circumstances concerning such Juries or Jurors shall, and may be: And that such (who shall make any willfull false Oath concerning any such things) shall be subject and liable to the Statutes and Lawes made, used, or ordained against perjured persons; and that such Sheriff or Sheriffs be, and shall be impowred, and compelled by Warrant to warn and summon Witnesses at the request of any the persons to be concerned in any such businesse, to testifie concerning the same. And that if any person, served with the same to appear as witnesse, and shall not appear and be examined in that behalf, (his costs being tendered according to the forme of the Statute of the fifth year of the late Queen Elizabeth) then such Witnesse shall loose and forfeit, and be subject and liable to such Penalties, Debts and Demands, as therein is mentioned.

And that such Sheriff and Sheriffs be authoris'd, impowred, and compelled to examine any, who doe, or shall challenge, or claim any such Goods or Chattals upon consideration for Money or Debts formerly owing, or otherwise, or any other person; and whether or not such party or parties so claiming did know, or had notice of the going out of such Execution or Extent.

And that if it doth, or shall appear by Inquest so to be found, that such party or parties so claiming had such Goods or Chattals conveyed to him, her, or them after such knowledge or notice; and yet permit the same to continue or remain in the place where they were at the time when such Execution or Extent went or issued out; or in the hands, custody, or possession of the party or parties against whom such Execution or Extent is, or shall be, his, her, or their servant, or servants, Agent, or Agents,

Agents, then such Sheriff or Sheriffs shall and may seize, take and levy in Execution such Goods and Chattals, notwithstanding any conveyance, bargain, or sale thereof, though it were to, or for good and valuable consideration (the permission of such Goods or Chattals so to remain, have been a long time accounted a badg of fraud :) And also without such permission, if such Bargainees or any Donees in that behalf had such notice or knowledge, and it be found to be proved, or acknowledged by such Inquest.

And that it shall, and may be lawfull to, and for any such Sheriff or Sheriffs (to whom such Execution or Extent be, or shall be directed, or delivered) or to his or their Deputy or Deputies so to repair to, such person or persons as aforesaid (who be, or shall be in such repute as aforesaid) and so to enter, view, demand, and require as aforesaid.

And that every person, and persons who shall have the custody or possession of any house, or place, trunck, chest, box, coffer, or other thing, (wherein such Goods or Chattals be, or shall be contained, having power of opening the same) shall and may open, and unlock every of the same, for such person or persons having such Execution or Extent, or any such other for him, or them, or for any such Sheriff or Sheriffs.

And that if the Goods or Chattals of any other person or or persons, then of him, her, or them, against whom such Execution be, or shall be, shall have any of their Goods or Chattals intermixt with such Goods and Chattels beforementioned, then it shall and may be lawfull to, and for such party or parties so having such Execution or Extent to separate the same from those Goods or Chattals of such other person or persons (doing the same as little hurt as conveniently may be. And that neither such party or parties who have, or shall have such Execution or Extent; or any such Sheriff or Sheriffs, his, or their Deputy or Deputies, or any Agent or Agents for any of them, shall be subject, or liable to any action, molestation or trouble for doing or acting any thing, as before is mentioned.

And that every one, who shall refuse, or deny, as before is mentioned to be done, shall forfeit, and loose to the party grieved, or to be grieved thereby, the value of the said Debt or Demand to be recovered as aforesaid.

II. *A Preservative for saving of the great sums which Executors and Administrators upon Dormant Bonds, and other securities have been compeld to pay to the value of the goods and Chattels which were of their Testators or Intestates, and came to their hands, after they have satisfied the like value before claimed and due by, and from, such Testators and Intestates at their Deceases.*

FOrasmuch as many people of this Nation, some of them within twelve or fourteen years next before they have departed this life (having used great commerce and trading, and thereby become indebted to divers men) have removed to, and dwelt, inhabited and resided in divers severall places within twelve or fourteen years next before their departure from this life, some into ten or twenty places and some far remote the one from the other, where they (by the means aforesaid, borrowing of money and otherwise) have not only become indebted and engaged as Sureties for others, but also have entered into Covenants, Articles, Agreements and Promises with divers, and have endamaged others by unlawful taking and carrying away divers of their Goods, and Chattels, and otherwise: and sundry and many of such persons (so changing and removing their places of dwellings, habitations and residence) have travelled into parts beyond the Seas, and some of them there have continued long, and became so indebted and engaged, and departed this life; and others of them returned into this Nation again, and here they and such others becoming so indebted, have dyed in many secret and obscure places, possessed of great Estates both real and personal: some before they have payd or satisfied all or the greatest part of such debts, or made satisfaction, recompence or amends for breach of such Covenants, Engagements, Articles, Injuries, wrongs and damages, (for which the Executors or Administrators of such parties so dying, have after their departures been liable, subject and chargeable to pay, satisfy, recompence, or make amends;) and other of them (before they have departed this life) have payd, satisfied, made recompence or satisfaction for all or the most part of such debts, breaches of Covenants, Engagements, Articles, Promises, Injuries, Wrongs and Damages, or the greatest part thereof, but some of them in such secret and private manner, that it could not be found out or known to such

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who

who have been made Executors of the Testaments of, or have had right of Administration of the Goods and Chattels, Rights and Credits, which have been of such parties so departing this life at the time of their departures; by reason whereof, many (who have been made, constituted or ordained Executors of such Testaments, and who had right of such Administration) (that is to say) the *Allies*, or of kindred or blood, of such parties dying, and divers Creditors of such parties so dying, and with whom they had so broken Covenants, Engagements, or Articles, or so injured, wronged or dampnified) have been very fearful of proving of such Testaments, or suing, or taking out Letters of Administration of such Goods and Chattels, Rights and Credits, or to intermeddle with the same in any wise, and upon that occasion some of such parties (so made Executors, or having such right of Administration, and being of good Estates) have neglected and forborn the proving of such Testaments, or suing or taking out Letters of Administration of their Goods and Chattels for many years together; and others of them have utterly renounced, refused, denied, and never meddled with the same: By which means divers Parsons of small Estates, and some of them of ill lives and conversations (no such Allies or &c. for the reasons aforesaid, daring to oppose them) have by colour of Letters of Administration (which upon false Oaths, being of late too common, or other unlawful practises, combinations, and confederacies, and undue means, they have obtained of such Goods and Chattels, Rights and Credits) or otherwise, without any Authority at all, taken, gotten and received into their hands, custody and possessions such Goods and Chattels, Rights and Credits, to very great values, and converted the same to their own uses, and spent, wasted and consumed the same in a lewd, wicked and riotous manner; whereby such Creditors, parties, (with whom such Covenants, Engagements, Articles, Agreements and Promises were broken or unperformed) and such parties (to whom injuries, wrongs and damages have been so offered) and many Legatees and others (to whom divers Gifts, Legacies and Bequests in or by such Testaments have been given, willed, or bequeathed, and have had right to have had divers sums of money out of or part of such Goods and Chattels, Rights and Credits, limited, appointed or ordered by such Judges, Commissaries, or others, who have had Authority to grant Letters Testamentary of such Executors, or of Administration of such Goods and Chattels, Rights and Credits,

to be given, payd or satisfied, or delivered by such Executors or Administrators) have lost, mislaid and failed of such their just and due Debts, Damages, Rights, Limitations and Demands; and very many others by the Reasons aforesaid (who have proved or caused to be proved such Testaments, and sued and taken out such Letters of Administration, and possessed themselves, and disposed of, and intermeddled with such Goods and Chattels, Rights and Credits, and have given, payd, satisfied and delivered divers of such Gifts, Legacies and Bequests, and divers sums of Money, and Goods, and Chattels, Rights and Credits, so limited, appointed and ordered, and by such means disposed of all or the greatest part of such Goods and Chattels, Rights and Credits) have long after been compelled by Suits at Law, and otherwise to pay and satisfy divers and sundry great sums of Money (out of their own proper Estates) for breaches, and not performing of such Covenants, Articles, Engagements, Agreements and Promises, and doing of such Wrongs, Injuries and Damages, which have been kept dormant, secret and unknown to such Executors and Administrators, till after such payment and satisfaction: And divers others of such Executors and Administrators (who have paid and satisfied many great sums of money and made recompence and amends for such breaches, and not performing of such Covenants, Articles, Engagements, & Promises, and doing of such Injuries, wrongs, and Damages) have afterwards had many tedious and chargeable Actions brought against them, upon many sleeping Bills, Bonds, and other specialties, which such Executor or Administrator never knew or heard of till after such payment, satisfaction and amends making, and thereby have been constrained to satisfy out of such their own proper Estates, to the full value of such Goods and Chattels, Rights and Credits, (which came to their hands, custodies, or possessions to be administered) and much more by reason of the tediousness, trouble and Charges for defending such suites, till they have tried whether or not they have been paid or satisfied before the decease of such Testators or Intestates, and in paying and satisfying the Charges of the Plaintiffs in such Actions, after they have proved and made appear the debts and demands upon such Bills, Bonds, and specialties to be just and due and such Executors and Administrators brought and compell'd such Plaintiffs upon Bills in Courts of Equity to discover upon their oaths the truth in the premisses, by reason whereof many of such Execu-

tors and Administrators, have sustained great losse and multitudes of them undone; there being no remedy or matter by the Laws of England for such Executors or Administrators to plead in Barr Abatement or stay of such Suites before mentioned, upon such dormant and secret Covenants, Articles, Agreements, Engagements or Promises, Wrongs, Injuries or Damages, or upon such Bonds, Bills or Specialties, or for discovery of the same, till after such inconveniencies and mischiefs have happened to such Executors and Administrators.

For Remedy Whereof it is proposed, that it may be petitioned to the supream Authority of this Nation, that it may

Be Enacted, That every person and persons, who hereafter be or shall be made Executors of the Testament or last Will of any Testator, or shall take or sue out Letters of Administration of the Goods and Chattels (which were or shall be of any Intestate at the time of his or her death) shall and may before he, she or they do or shall prove any Will of such Testator, and take or sue out Letters Testamentary upon the same, or take or sue out Letters of Administration of the Goods and Chattels (which were or shall be of such Intestate at the time of his or her death) deliver or cause to be delivered a note in good Parchment fairly written of the particular times and places when or where such Testator or Intestate departed this life, and of every of their places of dwelling, habitation and residence by the space of four weeks together in every year of twelve years next before such Testator or Intestate do or shall depart this life, and of the dwellings, habitations or residences of every of such Executor or Executors, and Administrator or Administrators, or so intended, into the Office mentioned in the *Propositions* for recording of Deeds and Evidences, &c. to be entered by the Officer there mentioned in those *Propositions*, as shall or may be constituted by the supream Authority of this Nation, or into some other Office, and there to be entered by some other Officer by the same Authority in that behalf to be ordained, constituted, or appointed; and that such Officer shall and may immediately file and safely keep the same in an Alphabetical manner, and keep an Alphabetical Book for the ready, speedy and easie finding of the same; and that also immediately after such delivery of such Note so to be filed and kept, such Officer shall send and issue forth Writs of Proclamation of every of such Notes (containing the tenor and matter of such respective Note,) and direct every

every of such Writs to the Sheriff or Sheriffs of every of the particular Counties, Cities, or peculiar Corporations, in which every of such places of dwelling, habitation or residence be or shall be : And that every of such Sheriff or Sheriffs, immediately after the delivery of such Writ to him or them, shall make or cause to be made three several Proclamations of the tenor and matter of such Writ in manner and form following (that is to say) One of the said Proclamations to be at the door of the Parish Church, or Chappel, or, &c. (where every such place or places of dwelling, habitation or residence of such Testator or Intestate be or shall be) on the Lords day next after Sermon, or, &c. there ended, and the Congregation of the Parishoners of such Parish from thence beginning to depart ; another of the said Proclamations at the County Court, or other Court of Common Pleas, of such Sheriff or Sheriffs in such his County, or such City or peculiar Corporation, and the other of the same Proclamations at the General Sessions of the Peace, of and for every such County, City or peculiar Corporation in the parts where every such places of dwelling, habitation or residence be or shall be : And that every of those Proclamations shall be so made at such Church door, such County, or such other Court, and such general Sessions of the Peace (which be or shall happen to be before the end of three Moneths next after such delivery of such Writ to such Sheriff or Sheriffs,) and that every such Sheriff immediately after such Proclamation made, shall return or write on the back of such Writ, or indorse upon it, how the same was or shall be executed, and make or cause to be made a true Copy of such Writ, Return, Writing, or Indorsement (fairly written on good Parchment) and deliver or cause to be delivered the same to the Keeper of the Rolls of such County, City, or peculiar Corporation of the parts where such places of dwelling, habitation or residence be or shall be, and that such Keeper of the Rolls immediately after the delivery to him of such Copy shall file and safe keep the same in an Alphabetical manner, and also keep an Alphabetical Book, for the ready, speedy, and easie finding of the same : and that such Sheriff or Sheriffs immediately after such copy is or shall be so made, shall send and deliver or cause to be sent and delivered such Writ so returned, written on, or Indorsed to the Office and Officer before mentioned in or of such Office ; and that such Officer shall there file and safe keep the same affixed to such Note in parchment, so first delivered or to be delivered, to be filed and safely kept.

And

And that if after such Proclamations so made and returned, any person or persons (to whom such Testator or Intestat owed any thing, at the time of his or her death, by Bill, Bond, or otherwise by any specialty, or to whom any duty thing or demand was, or shal be due, by or from such Testator or Intestat without specialty, or for which he or she, be or shal be lyable or chargeable to satisfie, or make any amends or recompence for, at the time when he or she departed this life) do not nor shal prosecute or sue for, or give notice to the Executor or Executors (who do or shal prove or cause to be proved any such Testament or Will of any such Executor, and sue or take out such Letters Testamentary, or to the Administrator or Administrators who do or shal take, or sue out Letters of Administration of the Goods and Chattels, which are or shal be of such Intestat, at the time of his or her departure from this life) of any Debt, Duty or Demand owing by Bill, Bond, or otherwise, by any specialty, or without specialty, or for which such Testator or Executor be or shall be so liable or chargeable within the space of three days (for every twenty miles distance of such dwelling, habitation or residence of such person or persons, Creditor or Demandant, from the place of the dwelling, habitation or residence of such Executor or Executors, Administrator or Administrators) next after such Writ or Proclamation so returned, written on, or indorsed, if within that time such party so to give notice be not in that time hindered to travel, or miscarry, or be stayed in his or their Journeys thereabout by some inevitable occasion; and if so, then within some convenient time next after, that then if he, she or they do or shall pay or satisfie, or cause to be payd or satisfied, to any such Creditor or Demandant any such Debt, Duty or Demand, or thing so chargeable and liable (being true and real within 20 days next after Suit begun, and appearance and declaration for the same, and the same *bona fide* (in good faith) be or shall be a just and due Debt or Demand) or any Gift, Bequest, or Legacy, which be or shall be given or bequeathed by any Testament of any such Executors, or limited, given or bequeathed by any Will annexed or to be annexed to any such Letters of Administration, or otherwise limited or charged upon or for such Administrator or Administrators to pay or satisfie by any Judge or Commissary, or other, (who do or shall grant such Letters of Administration, and have or shall have power and authority to do the same) the same matter shal or may be pleaded to in special in writing by,

by, and be a sufficient Bar (for so much only as is or shall be satisfied) for such Executor or Administrator, Executors or Administrators [concerning all and every or any of such Dues, Duties, Things or Demands without specialty] against all, every or any of such Debts, Duties or Demands by any of such Bills, Bonds or Specialties; and [concerning such Gifts, Legacies and Bequests in such Testaments, and such Limitations and Charges so to be limited, or charged by such Judge, Commissary, or other, as aforesaid] not only against all, every, or any of such Debts, Duties, Things or Demands; but also against all, every, or any of such Dues, Duties, Things or Demands without specialty, concerning all and every such Creditors and Demandants (who do or shall dwell, inhabit or reside, in any of such places (where any of such Proclamations be or shall be made,) or in any of such places (where such Testator or Intestate within the twelve years aforesaid did dwell, inhabit or reside.)

And that if any of such Executors or Administrators (who do or shall cause or procure such Notes and Proclamations so to be written, made and delivered in) be or shall be sued or persecuted for any of such Debts or Demands upon Bills, Bonds or Specialties, or for any of such Dues, Duties, Things or Demands without specialty, or for such Gifts, Bequests or Legacies, Limitations or Charges aforesaid before the end of two Months next after the issuing out of such Writ of Proclamation, then every of such Executors or Administrators (who shall be so sued and prosecuted in any Court, and there, or to such party or parties so suing or prosecuting, do or shall put in sufficient Security, to satisfy such party or parties, so suing or prosecuting, so much as he, she or they shall recover and obtain by such Suit, as was or shall be recoverable by him, her or them at the time of the putting in of such security before any other Demand (of which such matter in Suit then had, or at such time shall have, priority in Law) so far as the Goods and Chattels which were of such Executor or Administrator at the time of his or her death) may plead or alledge the same in such Court, specially in abatement or stay of such Suit; and the same then to stay till after three Moneths next after the delivering in of such Note so fairly written in Parchment as aforesaid, or proving of such Will, or taking or suing out such Letters of Administration.

And that all and every of such Sheriff and Sheriffs, Keeper and Keepers of Rolls, Officer and Officers before mentioned, and those also.

also mentioned in the *Propositions* before mentioned, shall have a competent Pension, Stipend or Salary, for acting, doing, and performing their Duties, to be acted, done and performed as aforesaid; or otherwise take and receive after the rates following, and no more, (that is to say) for Filing and keeping of every of such Note four pence, and putting the same into such an Alphabetical Book four pence; And for every search of every of such thing, or proclamation or Return thereof four pence; and for every Copy of every of such Note or writing six pence for the first sheet, and for every sheet more thereof (which shall contain 120 words therein, or more) four pence; And ingrossing and writing of every of such Writs or Proclamation and Returns or Endorsements of the same, and such Note so to be delivered into such Keeper of Rolls after the rate of six pence for a hundred words, contained or to be contained in the same, and for making of every such Proclamations six pence.

And that every of such Officer in such superior place, by himself or lawful Deputy in that behalf, shall attend his Office between the hours of eight and ten in the forenoon, and two and four in the afternoon of four days in every week of the year, or some time so to be thought convenient. And that all and every of such Sheriff and Sheriffs, Keeper and Keepers of Rolls, Officer and Officers before mentioned, be and shall be impowered, authorized and compelled to act, do and perform all and every Act and Acts, thing and things by them before mentioned, to be done and performed respectively, upon and under pain and penalty that every of such Sheriff or Sheriffs, Keeper of Rolls, and other Officer, shall forfeit, lose, and pay to every party to be grieved in any of the premises ten pounds, and all other damage sustained or to be sustained by such party so grieved or to be grieved in that behalf, or some other sum of money, or penalty so to be thought convenient, to be recovered in such manner as is mentioned in the *Proposals* for Acts for continuance of the Keeping of the Terms where Ancients they have been kept.

A Proviso to be in such Act.

Provided that no such Sheriff or Sheriffs shall be bound or liable to make or cause to be made any such of such or such Proclamations, or to deliver any Note to any such Keeper of the Rolls, or to make any such return or delivery of such Proclamations, until he shall be paid in hand so much as is or shall be paid to such Keeper or Keepers of Rolls, and after such payment such Sheriff shall deliver the money so

so to him payd to such Keeper of such Rolls, upon and under the pains and penalties before mentioned.

And that no such Sheriff or Sheriffs be or shal be compel'd to return or deliver in any Writ of Proclamation so returned or endorsed, unless he shall be satisfied his money, after the rate aforesaid, for what he is or shall be to act or do, as aforesaid, or the same left in such superior Place with such Officer there, for such Sheriff to receive upon the delivery of such Writ so returned or endorsed: And that such Officer, upon delivery in to him of such Writ by such, shall pay unto him the same money, under the same pain and penalty before mentioned.

And that every one, to whom such debts and demands be or shall be due by such Bill, Bond, or specialty (or otherwise, or for whom damages be or shall be recoverable) and shall claim the same of any of such Executors or Administrators, shall from time to time confess how much thereof is or shall be satisfied, and demand no more, and shall upon payment or satisfaction thereof deliver unto such of such Executors or Administrators (of whom he, she or they do or shall receive or demand the same) such Bills, Bonds, and Specialties, and inform such, of such Executors or Administrators of all parties (which he, she, or they, so receiving or demanding, do or shall know or have, or have or shall have certain intelligence or information of who can or shall be able to witness or testify any thing material concerning such debts or demands, for the benefit of such Executors or Administrators) and where every of them do or shall inhabit, dwell and reside, and what the names of every of them be or shall be, as far as such parties so demanding do or shall know, or have been or shall be informed upon every reasonable request in that behalf, upon and under pain and penalty that such of such parties (who shall fail or make default in any of the premises) shall lose and forfeit, and pay to every party grieved, or to be grieved, in the premises, the value of the debt, demand, or thing, in or concerning which such failer or default be or shall be, to be recovered as before mentioned.

III. *Another Preservative for prevention of Frauds and Neglects used by Executors and Administrators, whereby many Creditors have lost great Sums of Money.*

VV Hereas divers Executors and Administrators (after that they have proved, or caused to be proved, the Testaments
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of divers Testators whereof they have been made Executors ; and took and sued out Letters of Administration of the Goods and Chattels, Rights and Credits, which have been of sundry Intestates, at the time of their Deceases,) have been so negligent, and some of them been so peevish, that they have neglected and forborn to call in, or sue for many Debts, Duties and Demands (which have been owing and due to such Testators and Intestates at the times when they have departed this life, and after their departures, recoverable by such Executors and Administrators :) And others of them (after they have heard of many Debts, Duties and Demands owing to, and due to some persons whom they have not well affected) have been so spiteful and malicious to such persons, that they have not onely so neglected and forborn, but utterly refused and denyed to call in, receive, and take a great part of such Goods and Chattels, Rights and Credits, and to make, or cause to be made, a true and perfect Inventory thereof, and therein a true apprizement and valuation of such Goods and Chattels, and to put the same into such Court, where such Will be or shall be so proved, or Letters of Administration sued or taken out, or to give and deliver unto any of such Creditors a true copy thereof, upon demand and payment, or tender of competent satisfaction for the same ; or to assign unto any of such Creditors or Demandants any of such Goods and Chattels, Rights and Credits, in payment and satisfaction of any such Debts, Duties, or Demands, though divers of such Creditors and Demandants have often desired and required such Executors and Administrators to make such Assignments, and offered to give them good and sufficient security to save them harmless, against all Snits (which should or might be brought against them concerning the same,) and to satisfie and pay to them the residue and overplus (which they should recover and obtain by vertue of such Assignments) and diligently to prosecute and sue for the same, and not cease, stay, delay or forbear the prosecuting of such Suits, without the consent of such, of such Executors or Administrators (who do or shall make any of such Assignments :) By reason of which neglects, forbearances, refusals and denyals, many dishonest people, of idle and ill life and conversation, have carryed away most, or a great part, of such Goods and Chattels, Rights and Credits, and wasted and consumed the same in a riotous and vicious way, and many Debtors and others (from whom great Demands and Duties were due to such Testators and Intestates at the times of their deceases, and recoverable by such Testators and Intestates) have proved insol-

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vant, some by casualty, and others by such riot and vice: upon which occasion such Creditors and Demandants have lost and been deprived of many Debts and Demands of great value.

And divers of such Executors and Administrators have fraudulently permitted, confessed and suffered divers Judgments, and other matters of record, upon and for feigned Debts and Demands, pretended to be owing and due by and from such Testators and Intestates, at such times before mentioned; or which have all, or the most part thereof, been satisfied; and set and kept on foot and pleaded divers Judgments, Statutes and Recognizances, and other matters of Records, remaining against such Testators and Intestates, to the intent to deceive and defraud such Creditors and Demandants of their just and due Debts, Duties and Demands.

And whereas, to the intent before mentioned, divers of such Executors and Administrators have caused many of such Goods and Chattals to be under-prized and under-valued; And others of them divers of such Debts, Demands, Rights and Credits to be left out of such Inventories; And the same, and the witnesses to the same, to be kept secret and concealed; whereby divers such Creditors and Demandants have been defrauded and cheated of many great Debts and Demands.

For prevention whereof, it is proposed to be desired that it may

Be Enacted, That every Executor and Executors (who shall prove or caused to be proved the Testament or last Will of any Testator) And every person and persons (who do or shall take or sue out Letters of Administration of the Goods and Chattals which be or shall be of any Intestate at the time of his or her death) shall deliver an Inventory of all the Goods and Chattals (which be or shall be of such respective Testator or Intestate, at the time of his or her death) And of all the Debts, Duties and Demands (which be or shall be owing or due to any such Testator or Intestate; or of such part thereof, or which the Executor of the Testament of such Testator, or the Administrator to whom Letters of Administration of the Goods and Chattals, Rights and Credits (which be or shall be of any such Intestate, at the time when he or she do or shall respectively depart this life) shall or may come to the knowledge or certain Intelligence of; And of all the Debts, Duties and Demands (which to such, of such Testators or Intestates due or owing at such their Departures, and by what matter of Record, specialty or otherwise every particular thereof did or shall grow due, and how much in every particular

thereof is, or hath, or shall be paid or satisfied to such of such Testators or Intestates, Executors or Administrators, or to their or any of their use or uses, as far as they do or shall know and have certain and credible Information of, into the Court where such Testament shall be proved, and out of which Letters Testamentary of such Testaments or Letters of Administration of the Goods and Chattals, Rights and Credits, which be or shall be of such Intestate at the time of his or her death within twelve weeks next after the proving of such Testament, or suing or taking out such Letters of Administration, or within eight weeks next after every reasonable request thereof, made or to be made by any Creditor or Demandant, of any debt, duty or demand due by or from such Testator or Intestate, at the time of his or her death, or of any Legatee of such Testator or party for whom such Limitation shall be, And that no such Executor or Administrator shall wittingly or willingly leave or permit or suffer by any connivance or otherwise to be left out of such Inventory any Debt or Demand, either good sperate or desperate, or other recoverable or in a possibility of recovery by any such Executor or Administrator, or any of the Goods and Chattals which be or shall be of any Testator or Intestate at the time of his or her departure from this life, nor any of such debts, duties or demands so due or owing to any of such Testators or Intestates, or the particular of such payments and satisfactions, nor shall undervalue or underprize, or cause or wittingly or willingly by any combination, confederacy or practise, or by any connivance or otherwise, permit or suffer any part or parcels of such Goods or Chattals to the value of two shillings or above, nor shall wittingly or willingly permit, confess or suffer judgment upon or for any feigned debts or demands or other, for more then is or shall be due and unpaid by or from such of such Testators or Intestates at such their departure, nor plead or set on foot, to or against any of such Creditors or Demandants, any Judgment or other matter of Record, Bond or Specialty or other thing satisfied or otherwise, for more thereof then is or shall be unpaid or satisfied, upon and under pain that every of such Executors and Administrators making default in any of the Premises, shall forfeit and lose, and pay to every party to be grieved in that behalf, double the value of every part & parcel of such Goods and Chattals so underprized or undervalued; and besides so much as every party to be so grieved shall sustain in that behalf, to be recovered as herein is mentioned: And that every of such Executors and Ad-

ministrators, immediately next after the proving of such Testament, or suing out of such Letters of Administration, or within convenient time next after request made by any Creditor or Demandant, or Legatee of any of such Executors or Administrators, shall sue and prosecute with effect, all such who do or shall owe any thing to any of such Testators or Intestates, at the time of his or her death, or from whom any thing be or shall be recoverable by any of such Executors or Administrators of such Testators or Intestates; and not wilfully forbear or surcease the same, until he, she or they shall recover or obtain the same, or satisfaction for so much; or otherwise upon request of such Creditor or Creditors, Demandant or Demandants, Legatee or Legatees, or party or parties, (for whom such orders or Limitations was, be or shall be made, and after such demand and payment, or tender and security given, assign, convey and transfer the same over to him, her or them who shall have priority in Law to be first satisfied, to every one in order respectively as he, she or they shall have such priority:.) And that every of such Executors and Administrators be empowered and authorized to make such assignments, And impower and authorize him, her or them respectively, and in order as aforesaid, to recover and receive the same, so far as every such respective Debt or lawful Demand do or shall extend; And that such Assignment, Conveyance and Translation, Power and Authority, to be and shall be good, valid and available in Law to every such Assignee and Assignees to all intents and purposes for every or any such Assignee or Assignees, to sue or prosecute for such Debt, Duty or Demand, in his, her or their own name or names, And that after notice thereof given to any (who did owe any thing to any Testator or Intestate, at the time of his or her death, or by or from whom any be or shall be to be recovered, or recoverable against any such Executor or Administrator of any such Testator or Intestate, by reason of his, her or their Executorship, or Administratorship) every Release, Acquittance or discharge of him, her or them given or to be given to every and any so owing, or by or from whom any such thing were or shall be so owing or due, shall be invalid, void and of none effect.

And all and every of such Executors and Administrators (who do or shall so assign) shall deliver unto such Assignee or Assignees all Bills, Bonds and Specialties concerning the things so to be assigned; who after recovery of so much, for which they were or shall be so assigned, shall redeliver to such of such Executors or Admini-

strators (who made or shall make such Assignment or Assignments) or the overplus of the Money over & above such Debts or Demands (which such Assignee or Assignees shall so recover, and also obtain.

And that if any of such Executors or Administrators do, or shall refuse or forbear, or surcease so to sue or prosecute; or so to Assign or so to deliver such Bills, Bonds, and Specialties, then the same shall be deemed and taken to be a wasting or devastation in Law, of so much as such Debt or Demand doth or shall amount to, and such of such Executors or Administrators (making default in any of the premises, to pay and satisfy to such Creditor, Demandant, or Legatee, the value thereof out of his, her or their own Estate) upon and under pain to forfeit and lose, and pay to every party to be grieved in that behalf, the value thereof to be recovered, &c. And that every such apprizement and valuation in such Inventory shall be upon oaths of credible persons (who shall depose the truth thereof, according to their and every of their Judgement and knowledge, before any Justice assigned to keep the Peace near the place where such goods and Chattals be or shall be; And he be impowred and Authorized to Administer and take such Oaths without Fee. And that if any who do or shall depose such oath do depose any thing wilfully false, that then they shall and may be subject and liable to the paines and penalties provided against perjured persons, by and in Laws and Statutes of this Nation; and that every of such Executors or Administrators shall upon every reasonable request of such Creditors or Demandants, Legatees or Parties (for whom any of such Limitations or Orders shall be) deliver or cause to be delivered from time to time a true Note of all and every the particulars, Goods and Chattals and certainties of all and singular the Rights and Credits (which they shall, after such first Inventory so delivered, have, receive in, obtain, recover or come to the knowledge of such party so requesting, tendering, giving, or paying for the same at the rate of 2 ^d for every 120 words thereof) And that every of such Executors and Administrators upon the like request shall truly tell, inform, and give notice of every part and parcel of such the goods and chattals, and where they be or shall be, to, and permit and suffer all and every of such Creditor or Demandants, Legatees or parties (for whom any such limitations or Orders shall be) with one or two credible men to come to, and view, and to see the same without molestation or hindrance; and that all and every person and persons (who shall have the custody or keeping of, or in whose custody the same be or shall be, and he, she, or they, know the same) shall do the like.

And that every of such Executors and Administrators shall give such Intelligence, notice, and Information to any such parties before mentioned, so to request upon such request of the Names, Professions and Callings, of all and every the parties (from whom any Duty or Demand, was or shall be due to such Testator or Intestates) at such the times before mentioned, and of every particular County, City, Town, and Village, and Parish where they have dwelled or shall inhabit, dwell or reside, and the like of all and singular of the Witnesses concerning the same (which any of the parties so requesting do or shall know, or have or shall have certain Intelligence or Information of, who can or shall be able to Witnesse or testify any thing material concerning the recovery of any of such Debts, Duties, or Demands) upon and under pain and penalty that such of such parties (who do or shall fail or make default in any of the premises) shall lose and forfeit and pay to every party grieved or dampnified, or to be grieved or dampnified in the premises, the value of such Debt, Duty, or Demand (in or concerning which such default or fayler be or shal be) to be recovered as before mentioned.

IV. For Preservation of Shipping from wilful Destruction, by deceitful Persons, to defraud Purchasers and Creditors; Ships bought, and money lent upon the same. And for increase of Shipping for this Nation.

For as much as divers Merchants and others (who have bought or lent money upon Ships, and took engagements thereof for the same money) have been deprived of the benefit of such engagements, and lost their monies so paid for, or lent upon such ships, by reason of former Dormant bargaines, sales, and engagements upon the same.

And whereas severall persons (who have lent money to be paid with increase when Ships shall return into severall Ports, or otherwise such money was never to be paid, commonly called *Bottomre*) have been defrauded of such money by reason more money hath been lent upon such conditions then the Ship so to return hath been worth, and such loan kept secret, and afterward such Ship fraudulently run on ground and wilfully suffered to perish, to prevent payment of such money, by which means if not prevented many ships may be so lost, being in the nature of Walls to this Nation.

And divers such fraudulent persons who have borrowed money to be paid upon Ships at the return thereof, when any such Ships hath been cast away, have boasted and rejoiced, saying, That if she had come home they had lost by her.

It is proposed to be desired, that a Petition may be to the supreme Authority of this Nation, That it may

Be enacted, That no Ship, her Tackling or Apparel, hereafter shall be liable to or for the payment or satisfaction of any Debt or Demand for which she be or shall be charged or engaged, or shall be held by any who do or shall buy the same, unless such engagement or sale be or shall be recorded or entered in both the places mentioned in the former recited *Proposals* or *Propositions*, and in such manner in a peculiar book to be kept for that purpose: And that if any such Entry or Record shall be done, as hereafter is mentioned, against any who buy or shall buy the same for good consideration, or any to whom they be or shall be engaged and so entered. *W. L.*

For if this above were so done, every one may be certain of good and certain security, and not be defrauded of his money to be paid for or engaged upon the security of any Ship, as too often hath been used after divers have been at great Charges about the Tackling and Apparel of some of such Ships, far beyond the value of the bottom or hulk thereof, and all other things belonging unto her, at the time when she was so sold or engaged.

E. L.

2^d and that no Ships hereafter be or shall be liable or chargeable to or for the payment of any money concerning any such Bottomre before mentioned onely, as against those or any of them who do or shall so lend or deliver any money upon the security of such Ship, and first so cause — the same to be entered or recorded, — unless the money so lent or delivered upon Bottomre be or shall be so entered or Recorded, and upon what, and upon what ship by name, and the name of those — who were the Master and Owner or Owners thereof when such Money was so lent or delivered, and where she then rid, — lay, or remained. *W. L.*

To the end and intent that every one, who do or shall deliver any Money upon such condition of Bottomre, may view and see in such Records or Entries how far any such Ship is or shall be charged, that he, she, or they may take security upon such loan or delivery for charging of such Ship before she do or shall sail or pass out of any such Port or Harbor for the Repayment of such Money so to be lent or delivered, if she be or shall be charged or engaged for Money above her value, or for more then they do or shall think convenient & agree upon, by which means now the loan of Money is so low, men will be willing to lend Money upon these conditions, which will much advantage the increase of Shipping.

E. L.

THE END.